

of justice. Now, when we get to the lowest level of justice, as it appears from this article, we have decided we have to restrict the Court of Appeals and not grant it the power to do at the low level that which we freely gave it at the high level.

I suggest under circumstances such as these that not only is the quality of mercy somewhat strained, but the quality of justice will also be strained.

THE CHAIRMAN: Delegate Weidemeier.

DELEGATE WEIDEMEIER: Mr. President, I have had to oppose my good friend the Chairman so many times today; this time I stand with him.

The only argument I have heard for this amendment is flexibility. I have heard that time and time again. Back in 1924, some of you are too young to remember that, but I remember it, they had the big hurricane in Florida. A lot of houses were blown off the foundations because they were flexible. they did not peg them down.

If you are going to have commissioners and you have ideas of what their duties are, I say peg those duties down, do not leave them up in the air, get rid of this flexibility. If we are going to have a four-tier system of courts, which seems to be the objective, let us have a four-tier system and not make it so flexible we wind up with a five-tier system.

I would say, Mr. President and members of the Convention, we should give this amendment a rousing rejection.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

DELEGATE GRANT: I will make my remarks very brief. The lower courts last year or the year ending July 1966 handled 900,000 cases. The circuit courts handled approximately 64,000 cases. If you want to do a little arithmetic, there are approximately 70 judges at the circuit court level, about a thousand cases apiece. Unless you contemplate installation of 900 new judges, district court judges at \$30,000 a year, which comes out to a total of \$27 million, you had better give the lower courts some flexibility, you had better allow them to allow their commissioners to do something.

THE CHAIRMAN: Delegate Stern.

DELEGATE STERN: I see this amendment which could possibly make a five-tier court and by rule have the commissioners

ruling and trying cases which the district court could not. Jurisdiction has been established by law for the district court and for superior court. But by ruling, anything could happen and these commissioners could have jurisdiction over any matter that the court assigned which the federal constitution would not prohibit.

THE CHAIRMAN: Does any other delegate desire to speak in favor of the amendment?

Does any delegate desire to speak in opposition?

(There was no response.)

Ready for the question?

(Call for the question.)

Delegate Anderson.

DELEGATE ANDERSON: I just want to express my opposition to this amendment. I have been listening here for some time about the authority these commissioners would have. To start with, they are not going to be lawyers and if a search warrant, for instance, becomes necessary I think it would be the duty of the lower court to get out of bed and issue the warrant if it were that important.

Imagine a layman issuing a search warrant to search somebody's house in the middle of the night. It would not necessarily have to be at night, and ordinarily the court would be available to issue the warrant itself.

I think it would be horrible to have people untrained in law, not lawyers, issuing search warrants to search your property or mine with or without cause as they might determine; it is a complicated procedure. I was state's attorney for a long period of time, and I know what that requires. Unfortunately, some of the upper echelons of the judiciary are not too familiar with it.

I think it would be an infringement on the personal security of your homes to permit by rule-making power, not by law, somebody to issue such a thing as that.

There is no comparison between that and a warrant. A warrant is something somebody gets on sworn testimony. Immediately he knows what he is swearing but a search warrant is to go looking for a crime maybe in the middle of the night on a warrant issued by someone untrained in law.